

## PENINSULA TOWNSHIP

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### PENINSULA TOWNSHIP PLANNING COMMISSION SPECIAL MEETING MINUTES December 2, 2021, 3:00 p.m.

1. **Call to Order:** 3:00 p.m. by Shipman
2. **Pledge**
3. **Roll Call:** Present: Hall, Alexander, Shipman, Hornberger, Couture, Dloski; Absent: Wunsch;  
Also present: Deeren, Attorney Meihn
4. **Review for Conflict of Interest:** none
5. **Brief Public Comments:**  
**Deeren:** Read Nancy Heller's letter into the record.

NANCY R. HELLER  
3091 Blue Water Road  
Traverse City, MI 48823

December 1, 2021

Peninsula Township Planning Commission  
13235 Center Road  
Traverse City, MI 49686

Dear Peninsula Township Planning Commission:

Due to a prior commitment, I am unable to attend the December 2, 2021, special meeting regarding the Peninsula Township Zoning Ordinance rewrite. I have many concerns on several of the changes.

One of the major concerns is the Structures definition. If this is adopted, it will create additional legal nonconforming structures. This means in order to make nonconforming changes the applicant would be required to request a variance from the Zoning Board of Appeals plus pay a \$1,000 fee and meet the six basic conditions outlined in the ordinance.

Below please find my previous comment made during the November 18, 2021, township board meeting.

"...Wants to pass the rewrite but immediately revisit it, as certain problem areas remain that need attention and are worrisome, such as the definition of "poles." Do you have to pay a permit fee and fill out an [LUP] application to put up a mailbox? A flag? A tent? Does TC Light & Power have to have a permit and pay a fee to put up telephone poles? Is worried the language as written will create a lot of legal non-conforming structures."

Thank you for time and consideration regarding this matter.

Sincerely,  
*Nancy R. Heller*  
Nancy R. Heller

**Monnie Peters, 1425 Neahtawanta:** The Michigan Zoning Enabling Act, article IV, page 9, section 401(3) says the TB (Legislative Body) may send a proposed zoning amendment back to the PC (what is called the Zoning Commission) after a public hearing at the township board. The law says "for consideration and comment." I gather Rob put this on your agenda and didn't include a "within a time specified by the legislative body." The planning commission has their authority and direction, per the state law, to comment only on the report presented by the committee (that you were on) to the township board. The comment can be "no comment" or specific comments on any line item in the report that was in the planning commission packet. The township board is only asking for comments, not approval.

Township board meets December 14, 2021 so you have plenty of time to write to the township board. Let me add, that the objective is to get this zoning ordinance rewrite passed, as it is an excellent platform to build on. Sanger's committee, the report/spreadsheet he put together has minor things (and two areas that just don't seem appropriate, both commercial junk yards and indoor recreation); the township board knows that there are several high priority amendments that the planning commission must start working on immediately, including the winery section, activities on agricultural production land, structures, short-term rentals and use and height restrictions in the commercial zone.

**Kurt Peterson, 1356 Buchan Road:** Agreed with Monnie Peters. Asked that the planning commission pass the amendments/changes that were made by the citizen committee.

**6. Additions to Agenda/Approval:**

**Moved by Dloski to approve the agenda, as presented, seconded by Couture**

**approved by consensus**

**7. Consent Agenda**

a. Consideration and comment of Zoning Ordinance Changes – Per request of Peninsula Township Board of Trustees – as amended after township board public hearings.

b. Correspondence

**Kurt Peterson:** Asked to move consent agenda item 7a to business items.

**Moved by Shipman to pull item 7a from the consent agenda and place it under business as 8a and business item 8a becomes 8b, seconded by Alexander**

**approved by consensus**

**Moved by Hornberger to approve the consent agenda, as amended, seconded by Couture**

**approved by consensus**

**8. Business Items:**

a. Consideration and comment of Zoning Ordinance Changes – Per request of Peninsula Township Board of Trustees – as amended after township board public hearings.

**Deeren:** Dave Sanger and Deeren met with a committee to include everything that came in after the rewrite and address everything. Refers to the Excel Spreadsheet in the packet of items reviewed and changed. This represents the final product that will be presented back to the township board; hope to open a public hearing to these changes. A committee will eventually form to consider amendments to these ordinances.

**Alexander:** Asked if a secondary dwelling/guest house needs to be on a separate lot. Refers to the secondary dwelling and guest house column on the spreadsheet.

**Deeren:** In order to have two separate dwelling units, the frontage and property need to be doubled (to build a secondary dwelling). They need to be able to be legally divided by land division.

**Alexander:** Asked about the five-year time frame on roadside stands and fifty-percent of products.

**Deeren:** Picked up through part of GAAMPS; there is a GAAMP affiliated with that but not currently in the ordinance. The GAAMPS change on a regular basis.

**Alexander:** Commented on 12-1, can the township board set fees?

**Deeren:** The fee chart cannot be attached to the ordinance. An amendment would be needed if a fee was changed.

**Alexander:** Referred to 13-1, on enforcement; certain requirements are needed to go onto property for public health; suggested a chart for the public to refer to for the requirements for certain violations.

**Deeren:** It was seven days; was removed to allow immediate action. Zoning will work with individuals to come into compliance. The ordinance is not a place for examples.

**Discussion**

**Hall:** Referred to 1-1, 1.05: the far-right column references the right to farm act. If the right to farm act addresses a situation, then zoning is preempted. This is valuable to raise awareness about right to farm and GAAMPS. Discussed changes to wording and asked for a legal approach.

**Couture:** In the past, the consultants made sure our ordinances complied with the right to farm act and GAAMPS.

**Shipman:** Discussed the definition of a pole, reference Nancy Heller's letter.

**Moved by Dloski to recommend to the township board to adopt the zoning ordinance changes, in the proposed zoning ordinance, seconded by Hall**

**Roll call**

**approved unan**

**Chown:** Asked if a professional was hired to do an overview of the zoning ordinance rewrite.

**Deeren:** McKenna and Associates did a professional overview at the time.

**Chown:** Will collect formal comments for the December 20, 2021 meeting as the township board meets on December 14, 2021.

b. PC training session with Greg Meihn, Township Attorney

**Meihn:** The planning commission is responsible for the zoning ordinance and putting together the final product. The crafting of an amendment is done by the planning commission before going to the township board. Discussed the authority of the planning commission. Meihn's job is to ensure that it is legally compliant. Discussed the purpose statement found in the zoning ordinance as it applies to decision making by the planning commission.

**Dloski:** Asked about the review process for the planning commission. Applicants come before the board for informational purposes; is there a way the township can process the application so it is complete and the planning commission can act on it in the meeting?

**Meihn:** The application should be complete and revised before it comes before the planning commission. Starting on December 15, 2021, the planning commission and zoning board of appeals applications will be vetting by the township attorney.

**Discussion**

**Hornberger:** At the next township board meeting, they will suggest another public hearing.

**Discussion of the revision of ordinances.**

**Dloski:** Asked about the procedure of moving a consent agenda item to business by a citizen.

**Meihn:** Yes, a citizen can move a consent agenda item to business. Explained the use of the consent agenda.

**Discussion**

**Shipman:** Regarding the application process, there is a need to pay greater attention to a staff report as to what was reviewed, including looking at the original application.

**Discussion of the review of applications.**

**Meihn:** Brief update of WOMP lawsuit for the planning commission members.

**9. Public Comments**

**Dave Sanger:** Commented on Meihn's planning commission training; the planning commission is important and the planner works for the planning commission. The zoning ordinance needs to be readable and enforceable. Finally, the ordinance needs to move forward, and it can be amended after it is approved.

**Discussion**

**John Jacobs, 5290 Forest Avenue:** Asked about the correction of typos in the Excel spreadsheet. Commented that the zoning ordinance is a living document.

**10. Other Matters or Comments by Planning Commission Members**

**Hall:** Updated the committee considering John Wunsch's winery-chateau language change, the committee concluded the language was not a problem.

**Discussion**

**11. Adjournment**

**Moved by Dloski to adjourn, seconded by Couture** passed by consensus  
Adjournment at 4:40 p.m.